

HOFLAND & TOMSHECK

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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

JASON GOLDSBY;
BONNIE MADRIGAL;
RUDY REDMOND; and
KAILI TUALAU

Defendants.

Case No. 2:16-cr-00294-JCM-VCF

Stipulation to Continue Calendar Call
and Trial Dates
(THIRTEENTH REQUEST)

IT IS HEREBY STIPULATED AND AGREED, by and between NICHOLAS A. TRUTANICH, United States Attorney, and RICHARD LOPEZ, Assistant United States Attorney, counsel for the United States of America, and JOSHUA TOMSHECK, ESQ., counsel for Defendant JASON GOLDSBY, JESS MARCHESE, ESQ., counsel for Defendant BONNIE MADRIGAL, LUCAS GAFFNEY, ESQ., counsel for Defendant RUDY REDMOND, that the calendar call currently scheduled for June 24, 2020, at 1:30 p.m., and the trial date currently scheduled for June 29, 2020, at 9:00 a.m., in the above-captioned matter, be vacated and continued to a date and time to be set by this Honorable Court but no sooner than ninety (90) days. The parties also request all related trial deadlines, including but not limited to,

1 pretrial motion deadlines shall also be continued to a date and time convenient to the Court,
2 after ninety (90) days.

3 This stipulation is entered into for the following reasons:

- 4 1. The current conditions related to the ongoing COVID-19 pandemic have impacted
5 the ability to prepare for trial and discuss trial preparations with the defendants.
- 6 2. This is the thirteenth continuance request by stipulation.
- 7 3. While this is not a complex case, discovery is voluminous. Discovery consists of
8 approximately 1,560 Bates Stamped pages, 140 surveillance videos, 2 audio files,
9 and 567 photos.
- 10 4. The parties are negotiating a global resolution.
- 11 5. Mr. Goldsby, Mr. Redmond, and Ms. Madrigal are in custody and do not object to
12 this continuance.
- 13 6. All defendants and counsel agree to this stipulation, with the exception of Mr.
14 Tanasi and Mr. Tualau. Through circumstances outside of his control, Mr. Tanasi
15 has been unable to discuss this stipulation with his client prior to filing this
16 stipulation and therefore cannot stipulate to same. However, given the
17 circumstances outlined herein, Mr. Tanasi does not oppose that there is good cause
18 to file this stipulation for the reasons stated. Mr. Tanasi will file a Notice of Mr.
19 Tualau's position on this stipulation as soon as he learns the same.
- 20 7. Denial of this request for continuance of the Calendar Call and Trial Date would
21 prejudice the defendants, the Government, and unnecessarily consume this
22 Court's valuable resources, taking into account the exercise of due diligence.
- 23
- 24

1 8. Additionally, denial of this request for continuance could result in a miscarriage
2 of justice.

3 9. For the above stated reasons, the parties agree that a continuance of the Motions
4 Deadline, Calendar Call and Trial Date would best serve the ends of justice in this
5 case.

6 10. The additional time requested by this Stipulation is excludable in computing the
7 time within which the trial herein must commence pursuant to the Speedy Trial
8 Act, Title 18, United States Code, Section 3161(h)(7)(A), when considering the
9 factors under Title 18, United States Code, Section 3161(h)(7)(B)(i) and 3161
10 (h)(7)(B)(iv). In addition, the continuance sought is not for delay and the ends of
11 justice are in fact served by the granting of such continuance which outweigh the
12 best interest of the public and the defendant in a speedy trial.

13 DATED this 7th day of May, 2020.

14 Respectfully submitted,

15 /s/ Richard Lopez
16 Richard Lopez
Assistant United States Attorney

/s/ Joshua Tomsheck
Joshua Tomsheck, Esq.
Counsel for GOLDSBY

17 /s/ Lucas Gaffney
18 Lucas Gaffney, Esq.
Counsel for REDMOND

/s/ Jess Marchese
Jess Marchese, Esq.
Counsel for MADIGRAL

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UNITED STATES OF AMERICA,

Plaintiff,

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Defendant.

Case No: 2:16-cr-00294-JCM-VCF

ORDER

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. The current conditions related to the ongoing COVID-19 pandemic have impacted the ability to prepare for trial and discuss trial preparations with the defendants.
2. This is the thirteenth continuance request by stipulation.
3. While this is not a complex case, discovery is voluminous. Discovery consists of approximately 1,560 Bates Stamped pages, 140 surveillance videos, 2 audio files, and 567 photos.
4. The parties are negotiating a potential global resolution.
5. Mr. Goldsby, Mr. Redmond, and Ms. Madrigal are in custody and consent to this request.
6. All defendants and counsel agree to this stipulation, with the exception of Mr. Tanasi and Mr. Tualau. Through circumstances outside of his control, Mr. Tanasi

1 has been unable to discuss this stipulation with his client prior to filing this
2 stipulation and therefore cannot stipulate to same. However, given the
3 circumstances outlined herein, Mr. Tanasi does not oppose that there is good cause
4 to file this stipulation for the reasons stated. Mr. Tanasi will file a Notice of Mr.
5 Tualau's position on this stipulation as soon as he learns the same.

6 7. Denial of this request for continuance of the Calendar Call and Trial Date would
7 prejudice the defendant, the Government, and unnecessarily consume this Court's
8 valuable resources, taking into account the exercise of due diligence.

9 8. Additionally, denial of this request for continuance could result in a miscarriage
10 of justice.

11 9. For the above stated reasons, the parties agree that a continuance of the Calendar
12 Call and Trial Date would best serve the ends of justice in this case.

13 CONCLUSIONS OF LAW

14 The ends of justice served by granting said continuance outweigh the best interest of
15 the public and the defendant, since the failure to grant said continuance would be likely to
16 result in a miscarriage of justice, would deny the parties herein sufficient time and the
17 opportunity within which to be able to effectively and thoroughly prepare for trial, taking
18 into account the exercise of due diligence.

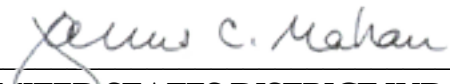
19 The additional time requested by this Stipulation is excludable in computing the time
20 within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18,
21 United States Code, Section 3161(h)(7)(A), when considering the factors under Title 18,
22 United States Code, Section 3161(h)(7)(B)(i) and 3161 (h)(7)(B)(iv).
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ORDER

IT IS THEREFORE ORDERED, that trial motions, trial briefs, proposed voir dire questions, proposed jury instructions, and a list of proposed exhibits must be electronically submitted to the Court by October 14, 2020, at 1:30 p.m.

IT IS FURTHER ORDERED that the calendar call currently scheduled for June 24, 2020 at the hour of 1:30 p.m., be vacated and continued to October 14, 2020, at the hour of 1:30 p.m. and the trial currently scheduled for June 29, 2020, at the hour of 9:00 a.m., be vacated and continued to October 19, 2020, at the hour of 9:00 a.m.

DATED May 11, 2020.


UNITED STATES DISTRICT JUDGE